



Department of Commerce

Innovation is in our nature.

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PLANNER'S UPDATE

Welcome to the Planner's Update, an electronic newsletter from The Department of Commerce, Growth Management Services. We send this newsletter monthly to share helpful information related to planning in Washington State.

Please feel free to send us any comments or ideas for how to make this newsletter more useful. You can also use the link below to provide additional names of planners who might like to subscribe. Please also consider sharing this newsletter with planning commissioners.

Leonard Bauer, AICP
Managing Director
Growth Management Services
leonard.bauer@commerce.wa.gov

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linda.weyl@commerce.wa.gov

A monthly newsletter to share helpful information related to planning in Washington State

IN THIS ISSUE

1. [State Supplemental Budget](#)
2. [2010 Legislative Bill Summary](#)
3. [EHB 1653 Clarifies Relation of Critical Area Regulations and Shorelines](#)
4. [Periodic Update Deadlines Extended by SSB 6611](#)
5. [Short Course Update](#)
6. [FEMA Model Ordinance and Regional Guidance Documents](#)
7. [Governor's Smart Communities Awards](#)
8. [Electric Vehicles - Coming Soon to Your Community](#)
9. [New Housing and Transportation Affordability Index Available](#)

SCHEDULES

[Regional Planners Forums](#)
[Short Course Schedule](#)

QUICK LINKS

www.commerce.wa.gov/growth
www.washington-apa.org
www.smartgrowth.org
www.planningpaw.org
www.mrsc.org

1. STATE SUPPLEMENTAL BUDGET

When the 2009-2011 state operating budget was adopted last spring, Growth Management Services' capacity for technical assistance was reduced by about 60 percent from the previous biennium, including a 40 percent staff reduction. The recently-adopted 2010 state supplemental operating budget reduces growth management grants to local governments by \$3.76 million (eliminating all buildable lands and periodic update assistance). It also further reduces GMS technical assistance by an additional 26 percent beyond the sixty percent reduction in last year's 2009-11 state operating budget.

While these are significant changes to our capacity, Growth Management Services remains committed to providing local governments with high-quality planning assistance and educational programs. Part of our technical assistance reductions will be accomplished by "loaning" two planners to the Department of Ecology to assist cities

and counties with shoreline master program updates. This arrangement helps the Department of Commerce meet its reduced budget, and provides additional assistance from Ecology to local governments focusing on their shoreline master program updates.

The remaining staff at Growth Management Services will be reassigned to focus on assisting smaller cities and counties that have little or no planning staff. Prioritization of assistance to smaller jurisdictions was directed in the adopted state 2009-11 operating budget. Our planners will be directly assigned to assist counties with population of 75,000 or less, and cities of 10,000 or less. Requests for assistance from larger counties and cities will receive a lower priority, and we will respond to them as best we can within available resources.

We ask for your patience as we make these adjustments. New jurisdictional assignments of our staff planners are available at www.commerce.wa.gov/growth. If you have any questions, contact Leonard Bauer, Managing Director, at 360.725.3055 or leonard.bauer@commerce.wa.gov.

[BACK TO TOP](#)

2. 2010 LEGISLATIVE BILL SUMMARY

Growth Management Services has completed a summary of new laws adopted during the 2010 Legislative session related to local government planning. The summary is available by clicking the following link: [Legislative Session 2010 Growth Management Services Bill Review](#). Once these new laws have been added to the Revised Code of Washington by the state Code Reviser's Office (approximately October), we will incorporate them into our popular *GMA and Related Laws* compilation available at www.commerce.wa.gov/site/377/default.aspx

[BACK TO TOP](#)

3. EHB 1653 CLARIFIES RELATION OF CRITICAL AREA REGULATIONS AND SHORELINES

On March 18, 2010, Governor Chris Gregoire signed [Engrossed House Bill 1653](#), which became effective immediately upon the Governor's signature.

EHB 1653 clarifies that, with certain exceptions, critical area regulations adopted under the Growth Management Act apply within Shoreline areas. The CAO regulations apply until Ecology approves either a comprehensive new SMP that meets Ecology's guidelines, or an SMP amendment related specifically to critical areas.

The exceptions in EHB 1653 address concerns raised by business and farming groups regarding the status of legally existing structures and uses in shoreline areas that are within CAO buffer areas. The new law specifies that these uses may continue and will be considered conforming uses under the local CAO. The law also provides criteria about how these structures and uses may be redeveloped or modified. In addition, the bill also addresses existing and ongoing farming practices.

Significant confusion about critical areas and shorelines extends back to 2003, due to ambiguous language in ESHB 1933. To resolve this long-standing confusion, the bill is applicable retroactively to July 27, 2003 – the effective date of ESHB 1933.

The bill contains other important details not included in this brief overview. [Click here](#) for a full text of the final bill signed by the Governor. For more information, visit www.ecy.wa.gov/programs/sea/sma/news/reconsider.html or contact [Tom Clingman](#), Department of Ecology, 360.407.7448, or [Tim Gates](#), Department of Commerce, 360.725.3058.

[BACK TO TOP](#)

4. PERIODIC UPDATE DEADLINES EXTENDED BY SSB 6611

The comprehensive plan and development regulations update schedule has been amended ([Substitute Senate Bill 6611](#)) to provide a three year extension for the next round of updates. Commerce GMS staff have revised the Periodic Update Guidance to reflect these changes. For information regarding the periodic update, please visit our website at: <http://www.commerce.wa.gov/site/1281/default.aspx>

[BACK TO TOP](#)

5. SHORT COURSE UPDATE

One of several ways in which Growth Management Services provides direct assistance to local governments is through the Short Course on Local Planning. The Short Course was created more than 35 years ago to provide basic education about land use planning to the citizens of Washington State. Co-sponsored by the Department of Commerce (Commerce) and the Planning Association of Washington (PAW), the course is administered by Growth Management Services within Commerce. Since 2009, the Washington Cities Insurance Authority (WCIA) has co-sponsored courses hosted by members of their insurance pool as a strategy to reduce land use liability. All courses are offered at no charge and open to the public.

The Short Course is a three-hour workshop which covers the legal basis of planning in Washington State, explains the basics of comprehensive planning and plan implementation, and discusses the role of the planning commission. Presented by professional planners and attorneys to audiences made up of local elected officials, planning commissioners, professional staff and interested citizens, the course encourages and facilitates civic engagement.

Until recently, the Short Course has been presented 30-40 times a year upon request, however, in response to state budget and staffing reductions, several new directions are being implemented:

- Targeted regional courses are being pre-scheduled throughout the state, and hosted by local jurisdictions, colleges or universities, or presented at planning conferences. The total number of courses per year will be approximately 20.
- A limited number of these courses are being customized to address special topics.
- Efforts are underway to provide video recordings of Short Courses for online access.
- Moderators for each course are being provided by Commerce or PAW.
- Co-sponsorships and partnerships are being encouraged to support the Short Course.

Short Course Contact Information: Janet Rogerson, Education and Outreach Coordinator, Growth Management Services, at 360.725.3047 or email inquiries to: Janet.Rogerson@commerce.wa.gov

[BACK TO TOP](#)

6. FEMA MODEL ORDINANCE AND REGIONAL GUIDANCE DOCUMENTS

In September of 2008, The National Marine Fisheries Service issued a Biological Opinion that determined that implementing the National Flood Insurance Program (NFIP) causes jeopardy to several species of Puget Sound Salmon and Orca Whales as well as adverse modification to their habitat. In the Biological Opinion NMFS provided

a Reasonable and Prudent Alternative to modify the implementation of the NFIP in a manner that would remove the jeopardy situation.

FEMA has been working diligently to produce and execute an implementation plan that was outlined in a letter from FEMA Headquarters to the NMFS in April 2009. FEMA has produced the model ordinance and other accompanying documents in accordance with the implementation plan. The model ordinance and associated documents were developed with the assistance of a focus group representative of Puget Sound communities, including a tribal community, NMFS, and the Washington Department of Ecology. The intent of the focus group is to insure that the model ordinance and other documents are useful to those that will be using the documents. All of the documents are available to be downloaded at: www.fema.gov/regionx/nfipesa.shtm.

The [model ordinance](#) incorporates a simple and direct set of rules to protect human development from floods while minimizing the impact of new construction and redevelopment on aquatic and riparian habitat. The ordinance is one of several options available to local communities to demonstrate ESA compliance, and can be adopted whole cloth, or in segments to complement existing regulations. Accompanying the model ordinance are regional guidance documents that provide communities further guidance on complying with the Biological Opinion.

[The Regional Guidance for Habitat Assessment and Mitigation](#) is designed to assist qualified habitat professionals, representing both permit applicants and permit officials, in ensuring that new development will not adversely impact protected threatened and endangered species or their habitat in flood prone areas.

[The Regional Guidance for Hydrologic and Hydraulic Studies](#) is provided to assist local officials and developers to determine the most appropriate ways to prepare flood hazard data that meet the requirements of the NFIP and the ESA.

The [CRS Credit for Habitat Protection](#) guidebook provides local officials an overview of activities that a community can receive credit for under the CRS program that encourage good aquatic and riparian habitat management as well as good floodplain management.

Following a NMFS review, and once copies of the final model ordinance, checklists and guidance documents have been distributed; FEMA will host roll-out workshops and provide additional technical assistance to affected communities on request.

For more information regarding these documents or questions regarding FEMA's implementation of the Biological Opinion please contact FEMA-R10-ESAccomments@dhs.gov.

[BACK TO TOP](#)

7. GOVERNOR'S SMART COMMUNITIES AWARDS

The Fifth Annual Governor's Smart Communities Awards will be presented to the winning cities at the Association of Washington Cities (AWC) Annual Conference, June 24, 2010 at the Hilton in Vancouver, Washington. The winning county awards will be presented at the Washington State Association of Counties (WSAC) Joint District Conference, June 16, 2010 at the Great Wolf Lodge in Grand Mound, Washington. For more information visit: <http://www.commerce.wa.gov/site/392/default.aspx>

[BACK TO TOP](#)

8. ELECTRIC VEHICLES – COMING SOON TO YOUR COMMUNITY

SHB 1481, passed by the 2009 legislature, is intended to jump start electric vehicle use in Washington. Among other things, the bill requires cities in King, Pierce, Snohomish and Thurston counties to allow electric vehicle infrastructure, such as battery charging stations, in most areas by July 1, 2010. A later deadline applies to all cities within 1 mile of I-5, I-90, I-405, and SR 520. The Washington State Department of Commerce is working with the Puget Sound Regional Council to develop guidance for local governments, which will address siting, permitting, and installing electric vehicle infrastructure. For more information, or to join the Interested Parties List as the guidance is developed, please visit www.psrc.org/growth/tools/ev/.

[BACK TO TOP](#)

9. NEW HOUSING AND TRANSPORTATION AFFORDABILITY INDEX AVAILABLE

The Center for Neighborhood Technology and the Rockefeller Foundation have released a new Housing + Transportation Affordability Index and accompanying report, *Penny Wise, Pound Fuelish*. The Index for the first time examines 337 metro areas across the country—encompassing 161,000 neighborhoods and 80 percent of the U.S. population—to provide the only comprehensive snapshot of neighborhood affordability by taking into account the transportation costs associated with neighborhood location and design.

The Index allows users to view maps and statistics for 337 metro areas, revealing where transportation costs have the greatest impact on affordability within each area. The Index shows that once transportation costs are factored into the definition of “affordable housing,” the number of affordable communities drops in almost every metro area in the country. For more information on the Housing + Transportation Affordability Index and accompanying report, go to <http://htaindex.cnt.org/>.

[BACK TO TOP](#)